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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No.

2013-455

12 **FAYE ELOIS ROGERS**
22885 Hilton Head Drive, #259
13 **Diamond Bar, CA 91765**

A C C U S A T I O N

14 **Registered Nurse License No. 383786**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 31, 1985, the Board of Registered Nursing issued Registered
24 Nurse License Number 383786 to Faye Elois Rogers (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2013, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
6 that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
12 Code, the Board may renew an expired license at any time within eight years after the expiration.

13 **STATUTORY PROVISIONS**

14 6. Section 2761 of the Code states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 ...

19 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
20 against a health care professional license or certificate by another state or territory of the United
21 States, by any other government agency, or by another California health care professional
22 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
23 action."

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides in part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 **(Discipline by Out of State Licensing Agency)**

5 8. Respondent is subject to disciplinary action under Code section 2761 subdivision
6 (a)(4), in that Respondent sustained disciplinary action against her Texas Nursing License.

7 9. Respondent was issued Registered Nurse License Number 806086 by the Texas
8 Board of Nursing. On or about July 12, 2012, Respondent entered into an Agreed Order with the
9 Texas Board of Nursing, in which her nursing license was disciplined for a violation of Texas
10 Occupations Code sections 301.452(b)(10) & (13). The circumstances are as follows:

11 a. On or about March 13, 2012, Respondent slapped the hand of a 5 year old patient
12 and proceeded to tell her "I spank."

13 b. The Texas Board of nursing issued Respondent a Sanction of Remedial
14 Education, and was ordered to complete three courses, (Nursing Jurisprudence and Ethics;
15 Sharpening Critical Thinking Skills; and Respecting Professional Boundaries), within one year of
16 the entry date of the Agreed Order. Under the Agreed Order Respondent is not to practice
17 nursing outside of Texas, while her license is encumbered by the Order.

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19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 383786, issued to Faye
23 Elois Rogers;

24 2. Ordering Faye Elois Rogers to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 5, 2012 
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2012508090
accusation.rtf